

REMARKS/ARGUMENTS

Claims 4-12 and 27 are pending herein. New claim 27 has been added as supported by original claims 1 and 2, Figures 1a-1d and paragraphs [0043]-[0049] in the specification, for example. Claims 4-5 and 7-12 have been amended to depend from new claim 27. Claims 1-3 and 13-26 have been cancelled without prejudice or disclaimer. Applicants presently intend to file a divisional application for non-elected claims 13-26 and thus reserve the right under 35 USC §121. Applicants respectfully submit that no new matter has been added.

1. The §112, second paragraph rejection of claims 1-12 is noted but deemed moot in view of the cancellation of claims 1-3 and the addition of new claim 27 in the amended claim set submitted above. With respect to claim 4, Applicants respectfully submit that the term “normal temperature” is understood by one of skill in the art to be ambient room temperature, and claim 4 has been so amended.

2. Claims 1-7 and 10-12 were rejected under §102(b) over Nagata. With respect to claims 1-3, the cancellation of claims 1-3 renders this rejection moot. To the extent that this rejection may be applied against the claim set submitted above, it is respectfully traversed.

New claim 27 recites a method of cutting a multilayer structure composed of a plurality of resin layers to provide a predetermined shape comprising the steps of: pressing and deforming the multilayer structure by extending respective layers of the multilayer structure to provide a reduced thickness portion, so that an upper layer bites into a lower layer by pushing a push-cutter by a predetermined amount into the multilayer structure supported by a cutter receiving portion when the multilayer structure is in a fused state with at least one of the resin layers forming a multilayer structure above a melting point temperature; then forming and hardening the resin material constituting the multilayer structure below a melting point thereof; and then push-cutting the compressed reduced thickness portion so the press-cutter abuts

against the cutter receiving portion to converge an intermediate layer and surface resin layers of the multilayer structure to the abutting portion of the push-cutter and the cutting receiving portion.

Nagata discloses a method of making a sheet shaped oxygen absorber.

Independent claim 27 is distinguishable from Nagata because Nagata discloses that the sheet shaped oxygen absorber is cut into the desired shape using an ultrasonic heat sealing and cutting method in which the first and second heat sealable resin layers on opposing sides of the oxygen absorber are fused and sealed by heat to the cut portions/cut surfaces. In contrast, independent claim 27 clearly recites that a multilayer structure is cooled and hardened below a melting point of the resin material **before** the push-cutter cuts the compressed reduced thickness portion of the multilayer structure and the push-cutter abuts against the cutter receiving portion, thereby converging the intermediate layer and surface resin layers of the multilayer structure, which permits the cutting to be performed with high precision (specification at paragraph [0028]).

Based on the above, Nagata fails to disclose each and every element of new claim 27. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection.

3. Claims 8 and 9 were rejected under §103(a) over Nagata. This rejection is respectfully traversed, because all of these claims ultimately depend from new claim 27, and new claim 27 is patentable for the reasons explained above.

For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, the Examiner is requested to reconsider and withdraw all grounds of rejection.


The Examiner is herein requested to confirm receipt and consideration of the references cited in the Information Disclosure Statement filed March 6, 2009.

If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

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Date



Stephen P. Burr
Reg. No. 32,970

Joseph A. Wilson
Reg. No. 53,780

SPB/JAW/cmb

BURR & BROWN
P.O. Box 7068
Syracuse, NY 13261-7068

Customer No.: 025191
Telephone: (315) 233-8300
Facsimile: (315) 233-8320